

Bill No. 38-04  
Concerning: Agricultural Land Preservation  
—Public Sale of Development Rights  
Revised: \_\_\_\_\_ Draft No. 1  
Introduced: November 9, 2004  
Expires: May 9, 2006  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch.       , Laws of Mont. Co.       

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Subin

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### **AN ACT** to:

- (1) authorize the Executive or a designee to sell county-owned development rights to promote the preservation of agricultural land;
- (2) identify how the proceeds from the sale of county-owned development rights will be used;
- (3) define certain terms; and
- (4) generally amend the Agricultural Land Preservation law.

By amending

Montgomery County Code  
Chapter 2B, Agricultural Land Preservation  
Section 2B-1. Definitions.

By adding

Article III. Public Sale of Development Rights.  
Section 2B-20, 2B-21, 2B-22, and 2B-23

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<u>[Single boldface brackets]</u>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<u>[[Double boldface brackets]]</u>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Section 1.** Section 2B-1 is amended and Article III, Sections 2B-20, 2B-  
2       **21, 2B-22, and 2B-23** are added as follows:

## 2B-1. Definitions.

4 (a) In this chapter, the following [words and phrases shall] terms have the  
5 [meanings respectively ascribed to them by this section] following meanings:

\* \* \*

Development rights: The potential for the improvement of a parcel of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of the parcel.

\* \* \*

11 Transfer of development rights: The conveyance of a development right by deed,  
12 easement, or other legal instrument authorized by local law to another parcel of land  
13 and the recordation of that conveyance among the land records of the County.

\* \* \*

### **Article III. Public Sale of Development Rights.**

## **2B-20. Purpose.**

17       The public sale of county-owned development rights is intended to increase  
18       the opportunity for buyers to gain access to development rights when privately-  
19       owned development rights are not available. The public sale of development rights  
20       will operate in conjunction with, and in support of, agricultural preservation activities  
21       conducted by other public agencies and the private market.

**2B-21.**      **Authorization.**

23        The Executive or a designee is authorized to sell county-owned development  
24        rights that are legally created by easement to supplement the market for private  
25        development rights, to encourage the transfer of development rights at market prices,  
26        and to promote the preservation of agricultural land.

**27    2B-22.      Development Rights Fund.**

28       The Executive or a designee must establish a dedicated fund for money raised  
29       from the sale of public development rights. This fund must be used to purchase  
30       development rights and to promote agricultural and wildlife preservation.

## **31      2B-23.      Regulations.**

The County Executive must adopt regulations under Method (2) to implement this Article.

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36      *Approved:*

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Steven A. Silverman, President, County Council

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Date

38      *Approved:*

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## Douglas M. Duncan, County Executive

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Date

40 *This is a correct copy of Council action.*

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## Mary A. Edgar, CMC, Clerk of the Council

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Date